

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BRITISH TELECOMMUNICATIONS PLC,	)	
	)	
Plaintiff,	)	C. A. No.: 11-1249-LPS
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
GOOGLE INC.,	)	
	)	
Defendant.	)	
	)	

**JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND EXPERT  
DISCOVERY DEADLINES AND TO SEVER AND STAY CLAIMS RELATING TO  
CERTAIN OF THE PATENTS-IN-SUIT**

WHEREAS on July 25, 2012, the Court entered the Scheduling Order in this action (D.I. 26);

WHEREAS the parties have met and conferred and jointly seek brief extensions of certain deadlines in the Scheduling Order relating to expert discovery (D.I. 26, ¶ 3.g);

WHEREAS the parties seek to extend these deadlines for the purpose of more efficiently conducting, coordinating and completing expert discovery in this action;

WHEREAS the brief extensions being sought by the parties do not affect any other dates in the Scheduling Order;

WHEREAS each party submits this joint stipulation without prejudice to its rights to seek or oppose further modifications of Scheduling Order deadlines in the event a claim construction ruling has not yet issued or been entered by the time of these deadlines; and

WHEREAS each party submits this joint stipulation without prejudice to its rights to seek or oppose further modifications of Scheduling Order deadlines in order to obtain and complete any outstanding or incomplete fact discovery;

WHEREAS, in addition to seeking brief extensions of certain deadlines in the Scheduling Order relating to expert discovery, the parties jointly seek to sever and stay the litigation with respect to U.S. Patent Nos. 6,169,515 (“the ‘515 patent”) and 6,650,284 (“the ‘284 patent”) (collectively, the “Mannings ‘515 and ‘284 patents”) pending resolution of ongoing reexamination proceedings of these two patents in the U.S. Patent & Trademark Office (*see* D.I. 152 at 1-2) in light of the Ex Parte Reexamination Advisory Action dated May 7, 2013 denying the request for reconsideration of the rejection of all claims of the ‘515 patent (and requiring an appeal within the United States Patent & Trademark Office to avoid termination of reexamination proceedings) and the pending rejection of all claims of the ‘284 patent, which belongs to the same family as the ‘515 patent;

WHEREAS the parties seek to proceed with litigation of the remaining four patents-in-suit, notwithstanding the severance and stay of this action with respect to the Mannings ‘515 and ‘284 patents;

WHEREAS the parties agree to complete fact discovery on the Mannings ‘515 and ‘284 patents, and jointly request that the Court construe the claim terms that relate to the Mannings ‘515 and ‘284 patents, notwithstanding the severance and stay of this action with respect to those patents;

WHEREAS, subject to the severance and stay of this action with respect to the Mannings ‘515 and ‘284 patents, Plaintiff British Telecommunication plc’s agrees to reduce the number of asserted claims in this action from thirty (30) to twenty-three (23), within a specified period of time after the issuance of the Court’s claim construction ruling in this case; and

WHEREAS the severance and stay of this action with respect to the Mannings ‘515 and ‘284 patents will simplify the issues in this case and for trial;

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel, subject to approval of the Court, that:

1. Opening expert reports on the subject matter for which a party has the initial burden of proof shall be due on or before August 9, 2013 (Original date: July 26, 2013).<sup>1</sup>
2. Rebuttal expert reports to contradict or rebut evidence on the same matter identified by another party shall be due on or before September 17, 2013 (Original date: August 30, 2013).
3. Reply expert reports from the party with the initial burden of proof shall be due on or before October 8, 2013 (Original date: September 20, 2013).
4. All expert discovery in this case shall be completed on or before November 6, 2013 (Original date: October 25, 2013).
5. Following the completion of fact discovery, this action shall be severed and stayed with respect to the Mannings '515 and '284 patents pending resolution of ongoing reexamination proceedings of these two patents in the U.S. Patent & Trademark Office. Notwithstanding the severance and stay with respect to the Mannings '515 and '284 patents, this action shall proceed with litigation of the remaining four patents-in-suit.
6. Plaintiff British Telecommunication plc's shall reduce the number of asserted claims in this action from thirty (30) to twenty-three (23), within fourteen (14) days after the issuance of the Court's claim construction ruling in this case.

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<sup>1</sup> Google has proposed that the date for opening expert reports should be no earlier than 30 days after the Court issues its claim construction ruling so that the parties' respective experts can properly address the issues as informed by the Court's claim construction ruling. BT has rejected that proposal because it is currently opposed to any extension of the deadlines for expert reports which would impact the existing schedule for trial and the preparation of pre-trial papers.

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*/s/ Monté T. Squire*

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*Attorneys for Google Inc.*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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United States District Judge